

**SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA
FAMILY DIVISION
DOMESTIC RELATIONS BRANCH**

KIMBERLY NICOLE CAMBREL,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Case No. 2020 DRB 001974
	:	Judge Kelly Higashi
	:	Next Event: Initial Hearing
BRIAN DAVIS MARSHALL,	:	Date: April 8, 2022 at 11:00 AM
	:	
Defendant.	:	

ORDER GRANTING PLAINTIFF’S MOTION TO SERVE BY POSTING

This matter comes before the Court on Plaintiff Kimberly Nicole Cambrel’s *Motion to Serve by Publication or Posting*, filed on February 28, 2022. Defendant has not filed an opposition to the motion or answer in this matter. For the following reasons, the Court grants Plaintiff’s motion.

Before an order allowing service by publication or posting may be issued, the Plaintiff must demonstrate that they made a diligent but futile effort to locate the Defendant, and must furnish the Court with the following:

(1) the time and place at which the parties last resided together; (2) the last time the parties were in contact with each other; (3) the name and address of the last employer of the Defendant either during the time the parties resided together or at a later time if known to the Plaintiff; (4) the names and addresses of those relatives known to be close to the Defendant; and (5) any other information which could furnish a fruitful basis for further inquiry by one truly bent on learning the present whereabouts of the Defendant. From such basic information, the Plaintiff should then detail for the Court the particular efforts which have been made in the effort to ascertain the Defendant’s present address.

Bearstop v. Bearstop, 377 A.2d 405, 408 (D.C. 1977).

In the case at hand, the Court finds that Plaintiff has performed a diligent search for Defendant. According to her Motion, Plaintiff’s last contact with Defendant occurred on July 16,

2016 by telephone, when Defendant's number was listed as (240) 432-1752. However, when Plaintiff contacted that phone number on December 27, 2021 to ascertain his whereabouts for service, another individual answered the phone and hung up when Plaintiff asked for Defendant. Plaintiff represented that Defendant's last known home address is 1417 Kensington Dr., Apt. 101, Hagerstown, MD 21742, where she mailed the Summons and Complaint to by certified mail on December 8, 2021. Plaintiff also represents that she contacted "411" on December 27, 2021 to ask for Defendant's telephone number. In her Motion, Plaintiff also notes Defendant's last known place of employment is The Grille at Runways located at 18421 Henson Blvd, Hagerstown, MD 21742. She contacted the employer on December 28, 2021 and was informed that no one by Defendant's name is employed with the company. Plaintiff also attempted to reach out to three of Defendant's relatives via telephone: 1) Takea Marshall, Defendant's daughter, to which Plaintiff's call was directed to a voicemail stating the number belonged to someone else; 2) Brian Marshall, Defendant's son, to which the call went to an automated message stating the number was no longer in service; and 3) Vickie Renee Marshall, Defendant's sister, to which Plaintiff received no answer. Plaintiff represented in open court that Defendant never served in the military and that he was born in 1964, which would make Defendant approximately fifty-eight years of age. Plaintiff also indicated that Defendant has never had a criminal record.

Based on the foregoing, the Court finds that Plaintiff has made diligent efforts to locate Defendant. The Court next considers Plaintiff's request for service by posting, rather than publication. Pursuant to the Rules Governing Domestic Relations Proceedings, Rule 4(f), the Court may authorize service by posting notice in the Clerk's Office of the Family Court for a period of twenty-one (21) days if the cost of publication would impose a substantial financial hardship. *See* D.C. CODE § 13-340(a). On October 28, 2020, the Court granted Plaintiff's

Application to Proceed Without Prepayment of Costs, Fees, or Security based on Plaintiff's demonstrated financial hardship, and Plaintiff indicated during the hearing that she would be substantially impacted by the economic hardship of serving via publication. Thus, the Court finds that publication would pose a financial hardship and authorizes service by posting of the below notice for a period of twenty-one (21) days in the Clerk's Office, and, given the Coronavirus pandemic, on the Court's website. If Defendant fails to file a responsive pleading within the time allowed after he has been served, the Court may enter a default and convert the next hearing into a default/*ex parte* hearing to take testimony from Plaintiff and proceed to final judgment without Defendant's participation. Further, the Court will continue the currently scheduled hearing in order to allow an adequate time both for posting and for Defendant to respond.

WHEREFORE, it is on this **4th** day of **March 2022**, hereby

ORDERED that Plaintiff's *Motion to Serve by Publication or Posting* is **GRANTED**; and it is further

ORDERED that the attached notice shall be posted in the Clerk's Office of the Family Court of the Superior Court of the District of Columbia and on the Superior Court's website for a period of twenty-one (21) calendar days in order to serve Defendant and notify him of the present action in which he is a party; and it is further

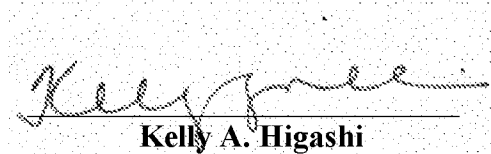
ORDERED that the initial hearing currently scheduled for March 1, 2022 shall be **CONTINUED** to April 8, 2022 at 11:00 AM in order to ensure an adequate time both for posting and for Defendant to respond; and it is further

ORDERED that the parties shall appear for a continued initial hearing in this matter on **Friday, April 8, 2022 at 11:00 AM** in Courtroom 104. The status hearing will be held remotely, and instructions to participate via WebEx are attached to this Order. If you have

trouble gaining access to the virtual courtroom on the day of your hearing, please call Judge Higashi's chambers at (202) 879-0684 or email chambers at JudgeHigashiChambers@dcsc.gov.

Failure to appear may result in a default judgment, sanctions, or dismissal.

SO ORDERED.



Kelly A. Higashi
Associate Judge

COPIES TO:

Copy via e-filing to:

Kimberly Nicole Cambrel at misscambrel@gmail.com

Brian Davis Marshall at brianmarshall1964.bm.bm@gmail.com

Via Email¹

Copy via first-class mail to:

Brian Davis Marshall
1417 Kensington Drive, Apt. 101
Hagerstown, MD 21742

¹ Due to the ongoing public health emergency and resulting limited court resources, the Court has contacted self-represented litigants not registered with CaseFileXpress to obtain email addresses. Given the Court's limited ability to mail paper copies of orders, self-represented litigants not registered with CaseFileXpress will be served via email when possible.

INSTRUCTIONS TO PARTICIPATE IN A REMOTE HEARING:

The Court prefers participation by video and below are two options to attend by video. If a participant does not have a device that allows for video participation, participating by telephone is acceptable, and there is one option to do so below. Should you encounter any difficulties, please email JudgeHigashiChambers@dcsc.gov.

****When you log in to the remote courtroom, there may already be a hearing in progress. Please wait for the courtroom clerk to address you and mute your video/phone whenever you are not speaking.****

To access the remote courtroom by computer (two methods):

- 1) Open Web Browser in Google Chrome and copy and paste following address:
<https://dccourts.webex.com/join/ctb104>
OR
- 2) Open Web Browser in Google Chrome and copy and paste following address:
<https://dccourts.webex.com>. Select JOIN, enter ACCESS CODE: **129 494 4503**.

To access the remote courtroom by smart phone or tablet:

Go to App Store, Download WebEx App (Cisco WebEx Meetings), Select Join Meeting, Enter URL: <https://dccourts.webex.com/join/ctb104>, enter your name and e-mail.

To access the remote courtroom by phone, no video:

Call 1 (844) 992-4726, enter Access Code: **129 494 4503#**, hit # again to enter session.